

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 11, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Ray Stevens

Others Present: Connie Ahlschwede, County Assessor's Office
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

Commissioners Absent: Bernie Heier

Others Absent: David Johnson, Deputy County Attorney

The Board of Equalization meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 4, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Workman moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated September 4, 2001. Campbell, Hudkins, Workman and Stevens voted aye. Motion carried.

- 2) **MOTOR VEHICLE TAX EXEMPTIONS:**

St. Teresa Catholic Church of Lincoln

MOTION: Workman moved and Hudkins seconded approval of a motor vehicle tax exemption. Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **ADJOURNMENT:**

MOTION: Hudkins moved and Workman seconded adjournment of the Board of Equalization meeting at 1:38 p.m. Stevens, Workman, Campbell and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

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Others Present: Kerry Eagan, Chief Administrative Officer
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Commissioners Absent: Bernie Heier

Absent: David Johnson, Deputy County Attorney

The Board of Commissioners meeting was convened at 1:38 p.m.

A moment of silence was observed for those who suffered losses relating to the terrorist strike on September 11, 2001.

Terry Wagner, Sheriff, explained emergency plans were implemented for security of infrastructure points, such as the airport, communication centers, pipelines, electrical generation plants, in Lincoln and Lancaster County. He added that additional staff were called in for increased security.

Doug Ahlberg, Emergency Management Coordinator, stated their major concern was when the Federal Aviation Administration (FAA) grounded all flights and five carriers were diverted to Lincoln. He explained that passengers on those flights would be housed in local hotels/motels at the cost of the air carriers. It was also noted that two shelters were opened in conjunction with the Salvation Army and the Red Cross.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 4, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated September 4, 2001. Campbell, Hudkins, Workman and Stevens voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, September 11, 2001.

MOTION: Workman moved and Stevens seconded approval. Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. Annual Report and Budget for Southeast Community College - Dr. Jack Huck, President

Jack Huck, President of Southeast Community College (SECC), disseminated the 2000-2001 Annual Report for SECC (Exhibit 1) and highlighted the following:

- ▶ Projected Graduated Incomes
- ▶ Comparisons of tuition and fees for Nebraska colleges
- ▶ Vocational/Technical Placement and Academic Transfers
- ▶ Enrollment - 1995-1996 to 2000-2001
- ▶ Expenditures and Sources of Revenue

B. The Commissioners Award of Excellence for the month of August was presented to Matthew Petersen, an employee with the Corrections Department.

OTHER BUSINESS:

Doug Nagel, 12505 North 27 Street, disseminated documentation regarding the Salt Creek Tiger Beetle (Exhibit 2) and stated that the Lancaster County Farm Bureau adopted a resolution stating they oppose the use of any County funds, taxation or Keno monies, to be used in acquiring land grants for the administration of the preservation of saline wetlands. Nagel also requested the County Board to rescind their motion made on September 4, 2001 committing Keno funds to an Environmental Trust Grant for saline wetland preservation.

- 4) **PUBLIC HEARINGS:**

A. In the matter of an application for a Class M (Bottle Club) liquor license from Raymono's Pizza Plus Inc., located at 5580 West Mill Road, Suite D in Lancaster County, Nebraska.

The Chair reconvened the public hearing and asked if the Clerk's office received any additional information regarding the application.

Trish Owen, Deputy County Clerk, indicated no additional information had been received in the Clerk's office.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair closed the public hearing.

MOTION: Workman moved and Stevens seconded approval of an application for a Class M (Bottle Club) liquor license from Raymono's Pizza Plus Inc., located at 5580 West Mill Road, Suite D in Lancaster County, Nebraska. Stevens, Workman, Campbell and Hudkins voted aye. Motion carried.

B. Setting the final tax request for Lancaster County and the Rural Library.

The Chair opened the public hearing.

Dave Kroeker, Budget and Fiscal Officer, explained that State Statute requires the County Board to hold a public hearing when the tax dollars differ from the prior fiscal year.

Rural Library

Kroeker stated last year's tax rate for the Rural Library was .26475 cents per \$100 of value. The new tax rate for 2001-2002 would be .029986 cents per \$100 of value.

Lancaster County

Kroeker stated the tax rate last year was .264323 cents per \$100 of value. He stated if the dollars were the same the rate would .238372 cents, however, .258286 cents per \$100 of value was published in the newspaper. Kroeker added that the correction(s) was made in the resolution and urged the County Board adopt the resolution.

In response to a question asked by Workman, Kroeker stated the total dollars for the County last year was \$30,085,009. The total dollars for 2001-2002 will be \$32,597,924.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

C. Continuation of a public hearing regarding County Special Permit 186, requested by Trent P. Anderson, Diamond Head Ranch Golf Club, L.L.C., for authority to operate an 18 hole golf course with clubhouse, on property generally located at Northwest 140th and West Holdrege Streets in Lancaster County, Nebraska.

The Chair reconvened the public hearing.

Stephen Mossman, attorney representing the applicant, appeared and gave a brief history of the special permit and stated since 1999 the applicant has received two permits from the State Department of Natural Resources regarding surface water and groundwater. The applicant also received an independent opinion from Scott Summerside with the Conservation and Survey Division at the University of Nebraska-Lincoln indicating that routine operation of the irrigation well shouldn't have a noticeable adverse impact on existing wells located on neighboring properties. Mossman stated that the Lincoln-Lancaster County Health Department has no objections to the special permit. He further stated the applicant has proposed site specific conditions ensuring that the irrigation well is used for three years (during construction only) with a maximum amount of twenty million gallons of water used per year. Mossman stated there would also be independent monitoring of the well by the Lower Platte South Natural Resources District. Those readings/results would then be sent to the Department of Natural Resources.

Scott Summerside, University of Nebraska Conservation and Survey Division, appeared and indicated he reviewed data collected by consultants and the University. Also addressed was operation of the well.

Extensive discussion took place regarding surface and groundwater issues.

Steve Nickel, Nickel Engineering, Inc., appeared and addressed the following:

- ▶ Possibility of adverse effects to quantity and quality of water of neighbors wells if an irrigation well is used for three years (during construction only).
- ▶ Monitoring of well by third party
- ▶ Operation of well

4) **PUBLIC HEARINGS CONTINUED:**

Trent Anderson, applicant, appeared and addressed traffic and lighting. He testified that they have agreed to all conditions as outlined by the County Engineering Department. An agreement with Seward County has also been reached regarding the traffic on Northwest Holdrege Street from 140th to 156th Streets. Anderson also indicated no lighting would be installed on the driving range, the practice facilities or the putting area.

Jon Jacobsen, Executive Director of the midwest section of the Professional Golfers Association, spoke about the positive attributes of the golf course. He stated the popularity of golf creates a demand for more courses and creates something for youth to do. Jacobsen stated he feels the location is good as well as the access.

The following individuals appeared in support of County Special Permit 186:

- ▶ Ginny Parker, 6001 South 72 Street
- ▶ Allen Dayton, 2750 Woodcrest Avenue
- ▶ Lynn Larson, 1330 Pelican Bay Place
- ▶ Craig Smith, 1320 Manchester
- ▶ Rob Shull, 7420 Englewood Drive
- ▶ Marty Ivins, 13501 West Windridge Lane
- ▶ Dennis Martin, 3515 South 31 Street
- ▶ Bob Borgman, 11200 West Van Dorn
- ▶ Tom Houchen, 3400 Woods Avenue
- ▶ Bob McDowell, resident in Lincoln
- ▶ Kurt Kiner, 7501 Southwest Hunters Place, Denton, NE
- ▶ Ilene Anderson, applicant's mother
- ▶ James Kropicka, 123rd and West Van Dorn

The following individuals appeared in opposition of the Special Permit and addressed concerns regarding land use, quantity and quality of water, traffic and safety issues:

- ▶ Mark Hunzeker, attorney representing a group of property owners
- ▶ Larry Minzel, 11800 West Holdrege
- ▶ Kevin Lostroh, 13651 West Adams Street
- ▶ Melvin Lostroh, 13701 West Adams Street
- ▶ John Bandiola, 13310 West Holdrege Street
- ▶ Julie Reiling, 13100 West Holdrege Street

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Workman moved and Hudkins seconded denial of County Special Permit 186. Hudkins, Workman and Campbell voted aye. Stevens voted no. Motion carried.

The Chair requested that Consent Item 7B and New Business Item 6A be moved forward on the agenda.

7) **CONSENT ITEM:**

B. A resolution in the matter of approving County Special Permit 189 requesting authority to construct and operate a philanthropic institution (health care facility) under the provision of Article 13.001(3) of the Lancaster County Zoning Resolution on property generally located at South 148th Street and Old Cheney Road in Lancaster County, Nebraska. (R-01-88)

MOTION: Stevens moved and Workman seconded approval of County Special Permit 189. Stevens, Workman and Campbell voted aye. Hudkins voted no. Motion carried.

6) **NEW BUSINESS:**

A. An application for a Special Designated License from The Kramer Bar to hold a street dance on Saturday, September 29, 2001 from 5 p.m. to 1:15 a.m. on Southwest 114th and 1st Streets in Kramer, Nebraska.

MOTION: Stevens moved and Hudkins seconded approval of the application subject to conditions as outlined by the County Engineering Department and the Sheriff's Office. Campbell, Stevens, Workman and Hudkins voted aye. Motion carried.

5) **OLD BUSINESS:**

- A. An agreement with Nebraska Legal Services for legal representation for indigent juveniles in abuse or neglect cases and law violations and status offenses, beginning July 1, 2001 and ending June 30, 2002. The County will pay \$256,000 for these services. (C-01-438)

Diane Staab, Deputy County Attorney, requested that the agreement be held.

By direction of the Chair, the agreement with Nebraska Legal Services was held.

- B. A resolution in the matter of increasing and modifying the County's petty cash fund. (R-01-55)

MOTION: Workman moved and Stevens seconded approval of Resolution 01-55. Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. An application for a Special Designated License from The Kramer Bar to hold a street dance on Saturday, September 29, 2001 from 5 p.m. to 1:15 a.m. on Southwest 114th and 1st Streets in Kramer, Nebraska.

This item was previously heard.

- B. A contract between the Lancaster County Youth Assessment Center and Handel Information Tech., Inc., in the amount of \$76,750, to provide and install RiteTrack software.

MOTION: Workman moved and Hudkins seconded approval of the contract. Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

- C. Grant contracts with the following agencies beginning July 1, 2001 and ending June 30, 2002:

- ▶ Lincoln Medical Education Foundation for the Family Violence Council (\$31,500) and Pathways to Self Sufficiency through Education program (\$18,000), in the total amount of \$49,500. (C-01-456)
- ▶ Saint Monica's for Therapeutic Community (\$22,500), Female Adolescents (\$10,000) and Outpatient Services (\$15,000), in the total amount of \$47,500. (C-01-457)

6) **NEW BUSINESS CONTINUED:**

- ▶ **Heartland Big Brothers/Big Sisters for the Mentoring Program, in the amount of \$10,000. (C-01-458)**
- ▶ **Lincoln Council on Alcoholism and Drugs for Substance Abuse Education and Evaluation, in the amount of \$35,247. (C-01-459)**

MOTION: Hudkins moved and Stevens seconded approval of the grant contracts. Stevens, Hudkins, Workman and Campbell voted aye. Motion carried.

- D. An agreement between the Lancaster County Community Mental Health Center and Lincoln Area Agency on Aging's Lincoln Information for the Elderly for a specialized care manager and participation in the Harvest Project, beginning July 1, 2001 and June 30, 2002. The County will pay \$41,741 for the services. (C-01-455)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement. Workman, Campbell, Hudkins and Stevens voted aye. Motion carried.

- E. A resolution in the matter of striking uncollectible personal and mobile home property tax from the tax list. (R-01-90)**

MOTION: Hudkins moved and Workman seconded approval of Resolution 01-90. Hudkins, Workman, Campbell and Stevens voted aye. Motion carried.

- F. A resolution in the matter of setting the 2001-2002 property tax request for Lancaster County at a different amount than that of the prior year. (R-01-91)**

MOTION: Workman moved and Hudkins seconded approval of Resolution 01-91. Campbell, Stevens, Workman and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

G. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska: (R-01-89)

- ▶ Install two "25 mile per hour" speed limit signs in the Yankee Hill Lake Subdivision, one on West Deercrest Drive east of Southwest 56th Street for eastbound traffic, and one south of West Denton Road for southbound traffic.
- ▶ Install a "Pavement Ends" sign on Pleasant Hill Road east of Southwest 33rd Street 500 feet in advance of where the new pavement ends for westbound traffic.
- ▶ Install a "Pavement Ends" sign on South 40th Street south of Yankee Hill Road 500 feet in advance of where the new pavement ends for northbound traffic.

MOTION: Hudkins moved and Workman seconded approval of Resolution 01-89. Hudkins, Campbell, Stevens and Workman voted aye. Motion carried.

H. Proposal to pursue a Countywide 400 megahertz radio system for volunteer fire departments.

Kerry Eagan, Chief Administrative Officer, stated the item could be dropped from the agenda and placed on a Thursday staff meeting agenda.

By direction of the Chair, the proposal was dropped from the agenda to be placed on a Thursday staff meeting agenda.

I. Authorization of Wells Fargo Bank, as Trustee, to disburse \$1,952.57 from the juvenile detention center bond proceeds to Sinclair Hille Architects for architectural services provided for the new Juvenile Detention Center and \$2,746.98 to Fry and Associates, Inc. for various pieces of furnishings and equipment for the new Juvenile Detention Center. (M-01-104)

MOTION: Hudkins moved and Workman seconded approval of the disbursement. Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

J. Recommendations from the Lancaster County Personnel Policy Board for the following: (M-01-105)

- ▶ Amend Rule 8 of the Personnel Rules - Probationary Period.
- ▶ Amend Rule 10.3 of the Personnel Rules - Outside Employment.
- ▶ Amend Rule 11.2 of the Personnel Rules - Reprimand, Suspension, Dismissal, Investigative Leave and Demotion.
- ▶ Amend Rule 17.5 of the Personnel Rules - Starting Rate of Return to a Classified Position from an Unclassified Position.
- ▶ Amend Rule 1 of the Personnel Rules - Definitions.
- ▶ Amend Rule 2 of the Personnel Rules - General Provisions
- ▶ Amend Rule 18.1 of the Personnel Rules - Compensation for Absence on Holidays
- ▶ Amend Rule 19 of the Personnel Rules - Leaves of Absence

MOTION: Workman moved and Hudkins seconded approval of the recommendations. Stevens, Workman, Campbell and Hudkins voted aye. Motion carried.

Campbell exited the chambers at 5 p.m.

- 7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Clerk's Monthly Report for August, 2001.
2. Noxious Weed Control Authority's Monthly Report for August, 2001.
3. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for August, 2001.
4. Records and Information Management for August, 2001.

7) CONSENT ITEMS CONTINUED:

- B. A resolution in the matter of approving County Special Permit 189 requesting authority to construct and operate a philanthropic institution (health care facility) under the provision of Article 13.001(3) of the Lancaster County Zoning Resolution on property generally located at South 148th Street and Old Cheney Road in Lancaster County, Nebraska. (R-01-88)
- C. A resolution in the matter of County Final Plat 99004, Crooked Creek Addition, requested by Brian D. Carstens and Associates on behalf of 134th and "O" Street Partnership and Birdie Creek, L.L.C., for 41 lots and one outlot on property generally located at 134th and "O" Streets in Lancaster County, Nebraska. (R-01-92)
- D. A subdivision agreement in the matter of County Final Plat 99004, Crooked Creek Addition, requested by Brian D. Carstens and Associates on behalf of 134th and "O" Street Partnership and Birdie Creek, L.L.C., for 41 lots and one outlot on property generally located at 134th and "O" Streets in Lancaster County, Nebraska. (C-01-464)
- E. Quit claim deeds between the Lancaster County Engineering Department and the State of Nebraska, Department of Roads relating to road improvements at the Northwest 27th Street and Highway 34 interchange. (2 deeds) (C-01-461 and C-01-462)
- F. A right-of-way contract relating to road improvement between the Lancaster County Engineering Department and Helen Vance, in the amount of \$76.60, east of North 56th Street on Raymond Road; Project C.P.-B-327. (C-01-460)

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items with the exception of Item 7B which was previously heard. Workman, Hudkins and Stevens voted aye. Campbell was absent from voting. Motion carried.

8) **ADJOURNMENT**

MOTION: Hudkins moved and Stevens seconded adjournment of the Board of Commissioners meeting at 5:05 p.m. Stevens, Hudkins and Workman voted aye. Campbell was absent from voting. Motion carried.

Bruce Medcalf
County Clerk